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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,119	06/15/2001	Govinda Nallappa Rajan	4-25	8642

7590 03/08/2005

Docket Administrator (Room 3C-512)
Lucent Technologies Inc.
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EXAMINER

KADING, JOSHUA A

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,119

Applicant(s)

RAJAN ET AL.

Examiner

Joshua Kading

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/15/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 8, 9 and 12 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6, 7, 10, 11, 13, and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15 Claims 1, 2, 5, 8, 9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,665,495 B1, Miles et al. (Miles).

 Regarding claims 8 and 1, Miles discloses, "an apparatus for concatenating packets to be transmitted from a first node to a second node, the apparatus comprising:

20 (a) at least one input port for receiving packets (figure 13, element 28); (b) a traffic characteristic classifier for classifying and storing received packets of different traffic characteristics into different traffic characteristic groups in memory (figure 12, element 112); (c) a concatenated packets preparer for forming a concatenated packet from n received packets (figure 13, element 114 as read in col. 20, lines 60-col. 21, lines 1-25);

25 and (d) at least one output port for transmitting the concatenated packet to the second node, characterized in that the n packets belong to one traffic characteristic group and n is determined based on the traffic characteristic of the one traffic characteristic group

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(figure 12, elements 192 as described in col. 20, lines 60-col. 21, lines 1-25 where the partial super packets are transmitted on output ports 192 and each port 192 outputs a partial super packet consisting of a same kind of traffic that was previously characterized in element 112, further there are n characteristic groups that the data can be grouped into as indicated by elements 192)."

Regarding claims 2 and 9, Miles discloses the method of claim 1 and the apparatus of claim 8. Miles further discloses, "wherein the concatenated packet is transmitted through a channel in a communication network, the n packets belong to the one traffic characteristic group that requires a delay time of less than p milliseconds (figure 23, element 124 as described in col. 9, lines 34-58 where the QoS are disclosed as possibly being delay sensitive which inherently means that the data characterized in that group can only be delayed up to a certain time limit, i.e. have a delay of less than a given amount of time, for example, p milliseconds), and the concatenated packet comprises a common header of H bytes, a content information part of I bytes for each of the n received packets, and a payload of P_i bytes for ith of the n received packets (col. 20, lines 3-27 where the packets are disclosed to have a header inherently of a given size, such as H, a payload inherently of a given size, such as I, and a given number of received packets, such as n, as seen in the queues of figure 23 where these packets are made into a partial super packet)."

Regarding claims 5 and 12, Miles discloses the method of claim 1 and the apparatus of claim 8. Miles further discloses, "wherein the concatenated packet is transmitted through a channel in a communication network, the n packets belong to the one traffic characteristic group that is delay insensitive (figure 23, elements 124 as described in col. 9, lines 34-58 where the QoS characteristics do not have to be delay and thus would be delay insensitive with respect to QoS requirements), and the concatenated packet comprises a common header of H bytes, a content information part of I bytes for each of the n received packets, and a payload of P_i bytes for i th of the n received packets (col. 20, lines 3-27 where the packets are disclosed to have a header inherently of a given size, such as H , a payload inherently of a given size, such as I , and a given number of received packets, such as n , as seen in the queues of figure 23 where these packets are made into a partial super packet)."


Allowable Subject Matter

Claims 3, 4, 6, 7, 10, 11, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

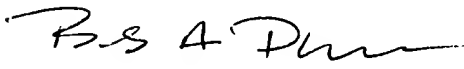
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

- Information regarding the status of an application may be obtained from the
- 5 Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic
- 10 Business Center (EBC) at 866-217-9197 (toll-free).


Joshua Kading
Examiner
Art Unit 2661

March 3, 2005


BOB PHUNKULH
PRIMARY EXAMINER